



JUN 9 6 2008 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Weiner
Serial No.: 10/678,316
Filing Date: October 2, 2003
Title: Imbedded Vinyl Flooring Product

Examiner: Ruddock
Group A.U.: 1794

Mail Stop – Patent Application
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Dear Sir:

This petition is filed under 37 CFR 1.181.

The applicant has received the enclosed Notice of Abandonment dated May 28, 2008 (see Exhibit A). Exhibit A states that no reply has been received subject to the Office Action mailed on August 20, 2007.

Enclosed under Exhibit B is a printout from the PAIR website showing that on September 4, 2007 a miscellaneous incoming letter and a Terminal Disclaimer filed were received by the Patent Office. In opening of the “miscellaneous incoming letter” (as Exhibit C) one will see that that “miscellaneous incoming letter” was a response to the Office Action and included the Terminal Disclaimer (Exhibit D) was provided.

As can be seen with reference to Exhibit E of September 14, 2007 as shown in the PAIR printout (Exhibit B), a Terminal Disclaimer approval form used by the PTO indicates the Terminal Disclaimer received September was approved.

In reviewing the Office Action of August 20, 2008, the only outstanding issue was a proper Terminal Disclaimer being filed (see the Office Action summary, Box # 5 indicating that claims 1-10 are allowed “when proper TD is filed”). In reviewing the detailed action, this was the only remaining requirement of the Applicant from that Office Action.

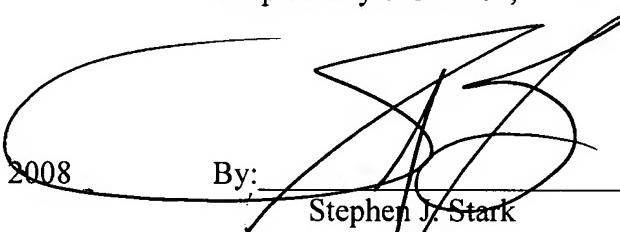
Accordingly, as provided by the rules of the Patent Office, this petition is provided to withdraw the holding of abandonment based on the evidence that a reply was timely mailed and filed and received by the Patent Office. Since the Patent Office has the paperwork as was originally submitted, the applicant is not including copies of papers as filed, but would be more than happy to do so if that would be deemed helpful. Since the Patent Office clearly received the documents as evidenced by PAIR and the documents contained therein, there is not believed to be a need to file the duplicate documents at this time.

Accordingly, withdrawal of the Holding of Abandonment is respectfully requested and issuance of a Notice of Allowance and Issue Fee due statement is respectfully requested for claims 1-10. No additional fees are believed to be due with this filing, but deposit account number 133403 may be charged for any fees outstanding in this application if so determined.

Respectfully submitted,

Date: JUNE 4, 2008

By:


Stephen J. Stark
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APPLICATION NO.	FILING DATE	By FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/678,316 10/02/2003 Robert S. Weiner
3490 7590 05/28/2008
DOUGLAS T. JOHNSON
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1000 VOLUNTEER BUILDING
832 GEORGIA AVENUE
CHATTANOOGA, TN 37402-2289



EXAMINER

RUDDOCK, ULA CORINNA

ART UNIT	PAPER NUMBER
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1794

MAIL DATE	DELIVERY MODE
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05/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Notice of Abandonment

Application No.	Applicant(s)	
10/678,316	WEINER ET AL.	
Examiner	Art Unit	
Ula C. Ruddock	1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 20 August 2007.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.

2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) The issue fee and publication fee, if applicable, has not been received.

3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.

4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. The reason(s) below:

Abandonment confirmed by Marie K. Bataille Chery (Chugach)

/Ula C Ruddock/
Primary Examiner, Art Unit 1794

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



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10/678,316

Imbedded vinyl flooring product

Select New Case	Application Transaction Data	Image File History	Continuity Wrapper	Address & Data	Attorney/Agent
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This application is officially maintained in electronic form. To View: Click the Download and Print: Check the desired document(s) and click PDF.

Available Documents

Mail Room Date	Document Code	Document Description	Document Ca
05-28-2008	ABN	Abandonment	PROSECU-
		Terminal Disclaimer	
09-14-2007	DISQ	Approval form used within the USPTO	PROSECU-
09-04-2007	LET.	Miscellaneous Incoming Letter	PROSECU-
09-04-2007	DIST	Terminal Disclaimer Filed	PROSECU-
08-20-2007	CTEQ	Ex Parte Quayle Action	PROSECU-
05-10-2007	AP.B	Appeal Brief Filed	PROSECU-
05-04-2007	CTMS	Miscellaneous Action with SSP	PROSECU-
03-16-2007	AP.B	Appeal Brief Filed	PROSECU-
12-15-2006	CTNF	Non-Final Rejection	PROSECU-
12-15-2006	892	List of references cited by examiner Search information including classification, databases and other search related notes	PRIOR AI
12-15-2006	SRFW	Examiner's search strategy and results	PROSECU-
12-10-2006	SRNT	Appeal Brief Filed	PROSECU-
09-25-2006	CTMS	Miscellaneous Action with SSP	PROSECU-
08-23-2006	AP.B	Artifact sheet indicating an item has been filed which cannot be scanned	PROSECU-
07-17-2006	ARTIFACT	Advisory Action (PTOL-303) Amendment After Final or under 37CFR 1.312, initialed by the examiner.	PROSECU-
06-29-2006	CTAV	Final or under 37CFR 1.312, initialed by the examiner.	PROSECU-
06-29-2006	ANE.I	Terminal Disclaimer Approval form used	PROSECU-
06-16-2006	DISQ		PROSECU-

			<u>within the USPTO</u>	
06-05-2006	AP/A		<u>Amendment/Argument after Notice of Appeal</u>	PROSECU-
06-05-2006	REM		<u>Applicant Arguments/Remarks Made in an Amendment</u>	PROSECU-
06-05-2006	XT/		<u>Extension of Time</u>	PROSECU-
06-05-2006	DIST		<u>Terminal Disclaimer Filed</u>	PROSECU-
06-05-2006	WFEE		<u>Fee Worksheet (PTO-06)</u>	PROSECU-
12-08-2005	CTFR		<u>Final Rejection</u>	PROSECU-
			<u>Search information including classification, databases and other search related notes</u>	
12-08-2005	SRFW		<u>Amendment - After Non-Final Rejection</u>	PROSECU-
09-23-2005	A...		<u>Applicant Arguments/Remarks Made in an Amendment</u>	PROSECU-
09-23-2005	REM		<u>Fee Worksheet (PTO-06)</u>	PROSECU-
09-23-2005	CTNF		<u>Non-Final Rejection</u>	PROSECU-
06-29-2005	892		<u>List of references cited by examiner</u>	PRIOR AI
06-29-2005	BIB		<u>Bibliographic Data Sheet</u>	PROSECU-
			<u>Search information including classification, databases and other search related notes</u>	
06-29-2005	SRFW		<u>Examiner's search strategy and results</u>	PROSECU-
06-23-2005	SRNT		<u>Abstract</u>	PROSECU-
03-22-2004	ABST		<u>Extension of Time</u>	PROSECU-
03-22-2004	XT/		<u>Pre-Exam Formalities Notice</u>	PROSECU-
03-09-2004	PEFN		<u>Drawings-only black and white line drawings</u>	PROSECU-
01-28-2004	DRW		<u>Pre-Exam Formalities Notice</u>	PROSECU-
12-30-2003	PEFN		<u>Transmittal of New Application</u>	PROSECU-
10-02-2003	TRNA		<u>Specification</u>	PROSECU-
10-02-2003	SPEC		<u>Claims</u>	PROSECU-
10-02-2003	CLM		<u>Drawings-only black and white line drawings</u>	PROSECU-
10-02-2003	DRW		<u>Oath or Declaration filed</u>	PROSECU-
10-02-2003	OATH		<u>Fee Worksheet (PTO-06)</u>	PROSECU-
10-02-2003	WFEE			PROSECU-

10-02-2003

WFEE

Fee Worksheet (PTO-06)

PROSECU

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Application Number 	Application/Control No. 10/678,316	Applicant(s)/Patent under Reexamination WEINER ET AL.
Document Code - DISQ		Internal Document – DO NOT MAIL

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : 9/4/07	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
debbie